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*The Rise of Religious Liberty in America.* By SANFORD H. COBB.  
(New York: The Macmillan Co. 1902. Pp. xx, 541.)

MR. COBB devotes some seventy pages to three introductory chapters: the opening chapter defines the American idea of religious liberty, as contrasted with mere toleration or with liberty of conscience; the second and third sketch the evolution of the Old World idea and sum up conditions at the beginning of American colonization. The next four chapters, the main body of the book, trace the history of the relation of Church and State in the several colonies, these colonies being grouped for the purpose into four convenient classes. Thirty pages more are given to the need for colonial bishops and to the reasons for their non-appointment. Then two brief chapters, twenty-eight and eighteen pages, deal hurriedly with the critical Revolutionary period and with the later developments in the Union and in the states.

Previous studies, like the valuable essays by Dr. Schaff and Dr. Stillé, have surveyed limited portions of this supremely important phase of American history, and the many denominational histories of course make contributions to the theme, but the first attempt at its comprehensive and systematic treatment is embodied in this imposing volume by Mr. Cobb. It was quite time the attempt should be made, but it is most unfortunate that the task fell to hands so ill-prepared. To speak harshly of a work upon which has been expended so much zealous labor is an unpleasant duty, but it may as well be said at once that the strongest impression the reader carries away is a conviction of the author's inadequate equipment. It should be said that Mr. Cobb is perfectly open-minded, and that the general tone of his treatment is eminently fair and honest; but these statements exhaust the praise that can be given to the book.

The Old World chapter is based almost exclusively, as Mr. Cobb tells us, upon Innes's little hand-book on *Church and State*, and it follows its model so closely as to copy even the date 852 (p. 39) for Otto's restoration of the Empire. With Innes the error is probably a misprint, but Mr. Cobb's context shows that he accepts the date in good faith! Mr. Cobb tells us, too (p. 58), that "no occasion of civil oppression is recorded" for the brief Presbyterian rule in England. Can it be that he forgets the long struggle between the army and the Presbyterian Parliament regarding toleration,—to say nothing of the great persecuting statute of 1648, when Parliament thought the army too busy with the Second Civil War to interfere? A more serious consideration is, that, like Innes, Mr. Cobb surrenders the true view-point for an historical survey by ignoring all relation between Church and State before the rise of Christianity. It may be true, as asserted, that the "problem" of religious liberty could arise only after the rise of Christianity, but certainly it is also true that the ancient and organic connection between religious and political institutions in the pagan world conditioned the working out of the new problem and indeed for a long time wholly obscured it. The positive denial of all institutional character to all pre-Christian re-

ligions (p. 21) goes part way, perhaps, to explain how Mr. Cobb, like Innes again, finds it possible to indulge in a quaint idealization of Constantine. The enthusiastic and repeated parallel between Constantine and Roger Williams is, I believe, original with our author.

Mr. Cobb is certainly more at home in American colonial history, and for some of the colonies, as Connecticut and New York, the preparation seems to have been exhaustive and the story is well told; but even in this period, as a whole, the treatment abounds in assumptions unproved or false, and is defaced by so many errors as to challenge confidence in every statement not supported by the reader's own knowledge. The four-page list of "authorities" contains several obvious blunders, abbreviates titles and omits initials and dates in a most irritating way, fails to mention many works that are important if not essential, and jumbles its material, primary and secondary, without the slightest discernible principle of arrangement, whether by alphabet or chronology, subject or importance. The body of the book shows in even stronger light a like confusion regarding the relative value of authorities. Force's *Historical Tracts*, Hawks's *Contributions to Ecclesiastical History*, and the *Massachusetts Records* are given as authorities in foot-notes without reference to volume or page. In one such case (p. 146) the citation is wholly wrong as well as indefinite, and in another (p. 169) an incorrect statement is based upon the indefinite citation. Charters and other sources easily accessible are commonly quoted at second hand — often with unfortunate results. On one page (75) Mr. Cobb confuses the charter of 1606 with James's later instructions to the Virginia Council, quotes as if from the charter of 1609 a sentence not in that document, and shows that he is not aware of the motive stated in the charter for requiring the oath of supremacy. It is stated incorrectly (p. 137) that the Plymouth Council did not receive power over life and death in their patent; this corporation (p. 135) seems to be confused with the London merchants who furnished the funds for the Plymouth Pilgrims; and these Pilgrims (p. 136) are said incorrectly to have sailed without a charter. The exploded misconceptions of the older New England writers regarding supposed liberal peculiarities in the charter of the Massachusetts Company are adopted without hesitation (p. 149), and the same page repeats with emphasis John Fiske's unfortunate statements as to the religious clauses in that document. The Maryland charter is made to ascribe to Charles (p. 363) the motives it really imputes to Baltimore, while the statement on the following page that Baltimore's sovereignty was limited by "only one condition" comes plainly from someone's careless mis-reading of the concluding clause of the charter regarding the future interpretation of disputed passages in the courts. The author fails to see, too, that the Rhode Island charter of 1643 (dated by Mr. Cobb as 1644) did at least imply religious liberty by carefully confining the authority of the state to "civil" matters, — a term which is to be interpreted, of course, by the language in which Williams's followers had from the first promised obedience to the law "in civil matters only." Similar errors characterize

the treatment of the later state constitutions: thus Pennsylvania is unjustly accused of constitutional restrictions in various places (pp. 71, 450, 482, 503, 515, 520). The Pennsylvania Bill of Rights of 1776 did provide that no man believing in a God should ever have his civil rights abridged, but this clause did not abridge the rights of men not so believing, as Mr. Cobb assumes it did, nor does the Constitution anywhere restrict the franchise to such believers, as Mr. Cobb repeatedly states; while the test oath prescribed in 1776 was not for "all officers" but only for members of the House of Representatives. The Massachusetts constitution has never made the distinction, claimed by Mr. Cobb (p. 519), between towns and parishes, and Tennessee not only does not restrict office-holding by a religious test (as charged on page 159), but, as is noted, indeed, on that same page, her constitution expressly provides that no test shall be required except an oath to support the Constitution of the Union and that of the state.

The commonest details of colonial history are mis-stated. I will confine mention to a few of those regarding the two best-known groups of colonies. Despotism in Virginia, we are told (p. 79), did not cease until 1621; Mr. Cobb not only does not know of the published records of the first representative assembly in America, but he denies its very existence, and further states expressly (p. 80) that the assembly of 1623 is the first whose records are preserved. The Virginia legislation against Catholics, in its details, is explained, of course, by the eighteenth century legislation against that denomination in England and Ireland, and the comment on page 108, ignoring this explanation, is misleading. Lechford, the Massachusetts lawyer, and Lyford, the Plymouth preacher, are evidently regarded as one and the same man, and the confusion is carried in curious fashion through four pages (143-146); Lechford's *Plain Dealing* is ascribed to Lyford, and is referred to as in Force, whose collection does not contain it. The stern Endicott (p. 152) speaks the gentle Higginson's pathetic farewell to Old England and (p. 169) presides as governor, in Winthrop's seat, over the first Court of Assistants in the colony of Massachusetts Bay. The second General Court in that colony (that of May, 1631) is declared to have been the first (p. 170). A closer attention to New England chronology would have made impossible the misleading statements regarding Hooker's motives (p. 241). It would be "strange enough" (p. 155), indeed, if it were true that Endicott's instructions from the company would have authorized the foundation of any religious establishment preferred by the settlers under his charge.

Statements like this last make it plain that the author is not prepared to interpret the facts he comes upon. After this we are not surprised to see the Mecklenburg Declaration burst its cerements once more, or even (p. 499) to have the Northwest Ordinance presented as the deed of Virginia. The brevity of the treatment after 1775 would of itself have made the latter portion of the book inadequate.

WILLIS MASON WEST.